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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,664	02/13/2004	Jun Iwasaki	248776US6	5671
22850	7590	10/19/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			NGUYEN, THUAN T	
			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			10/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/777,664

Applicant(s)

IWASAKI ET AL.

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Claims 5-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/04/2007.
2. Pending claims are now claims 1-4; and claims 5-20 should be cancelled in the next communication from the applicant.

Claim Rejections - 35 USC 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Nykanen et al. (U.S. Patent No. 6,594,483 B2).

Regarding claim 1, Nykanen teaches a wireless communication system which can perform wireless communication with another wireless communication system (Fig. 2 and col. 5/line 65 to col. 6/line 27), comprising: an area information acquisition unit for acquiring information on an area in which the wireless communication system presently exists; a memory unit for storing communication setting information on the wireless communication system

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corresponding to said area information (as illustrated in Figs. 3 & 6, with location and positioning service provided to the mobile terminal, see col. 8/line 48 to col. 9/line 6 as well as a memory in Fig. 6 of the mobile terminal for storing area information – col. 12/lines 33-42); an area information judgment unit for judging the communication setting information which can be set in the wireless communication system based on the area information acquired from said area information acquisition unit; and a communication control unit for controlling communication settings in the wireless communication system based on the communication setting information judged by said area information judgment unit (Figs. 2A1- 2A3 for steps/procedures that the mobile terminal determines which communication setting, i.e., from which sources is better, to use based on the area information that the terminal acquires and compares, col. 7/line 7 to col. 8/line 43).

For claim 2, Nykanen teaches “wherein said area information acquisition unit includes GPS (Global Positioning System) receiving system and information on an area in which the wireless communication system presently exists is identified by means of position information acquired from said GPS receiving system” (col. 1/lines 10-32 & col. 5/line 64 to col. 6/line 57 for an intelligent positioning service based on GPS system).

For claim 3, Nykanen teaches a wireless communication apparatus in a wireless communication system which can perform wireless communication with another wireless communication system, comprising: an area information acquisition unit for acquiring information on an area in which the wireless communication apparatus presently exists; a memory unit for storing communication setting information on the wireless communication apparatus corresponding to said area information; an area information judgment unit for judging

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the communication setting information which can be set in the wireless communication apparatus based on the area information acquired from said area information acquisition unit; and a communication control unit for controlling communication settings in the wireless communication apparatus based on the communication setting information judged by said area information judgment unit (refer to claim 1).

For claim 4, Nykanen teaches "wherein said area information acquisition unit includes GPS (Global Positioning System) receiving system and information on an area in which the wireless communication apparatus presently exists is identified by means of position information acquired from said GPS receiving system" (col. 1/lines 10-32 & col. 5/line 64 to col. 6/line 57 for an intelligent positioning service based on GPS system).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Jenkins et al., Kennedy, II et al., McMillin (in PTO 892 attached) disclose systems related to GPS system and positioning system.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)


Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895.

The examiner can normally be reached on Monday-Friday from 10:00 AM to 7:00 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tony T. Nguyen
Primary Examiner
Art Unit 2618

TTN
October 10, 2007